

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

DR. MARKCUS KITCHENS, JR. )  
PLAINTIFF )  
 ) CIVIL ACTION NO.:  
v. ) 2:22-CV-03301-JMY  
 )  
UNITED STATES MEDICAL LICENSING EXAMINATION, )  
ET. AL )  
DEFENDANTS )  
)

---

**PLAINTIFF'S NOTICE AND SERVICE OF FRCP 26(4)  
RESPONSIVE EXPERT WITNESS DISCLOSURE**

---

Comes the Plaintiff, Dr. Markus Kitchens, Jr. (hereby “Dr. Kitchens”), pro se, and in compliance with FRCP 26(a)(2), the Court Order dated March 13, 2023 (D.E. 34), and the parties stipulation in their Amended Joint Rule 26(F) Report (D.E. 33)<sup>1</sup> hereby discloses the responsive expert opinions of Jonathan Shepherd, M.D., as set forth below.

Dr. Shepherd may testify on one or more of the following topics: issues regarding treatment of mental health diagnoses and the relationship between mental health, medicine generally, and the African American diaspora. More specifically, he will testify regarding the psychiatrist’s role in assessing, diagnosing, and treating neurological behaviors; what Attention-Deficit Hyperactivity Disorder is, how it affects neurological processes in the brain, and how it interacts with other co-morbidities; and prescribing controlled substances from youth to adulthood. Dr. Shepherd’s opinions will be stated within degree of reasonable probability, are based on his review of the medical records filed, written discovery responses of NBME, written discovery responses of Plaintiff, Dr. Kitchens, the deposition testimony of Dr. Kitchens, the affidavit of Missie King, his personal experience and expertise as a practicing clinical Psychiatrist.

---

<sup>1</sup> The Amended Joint Rule 26(f) Report states: “The parties propose forgoing formal expert reports given the expedited proceedings. The parties will identify the name(s) of any affirmative testifying experts and provide a brief (one paragraph) description of the anticipated subjects of their testimony by or before April 7, 2023.”

Dr. Shepherd is the Chief Medical Director with Hope Health Systems, Inc. and will not represent Hope Health Systems, Inc. in this case. Dr. Shepherd may also serve as fact witness in this matter on the subjects listed above and/or other topics.

Respectfully submitted,

/s/ Dr. Marcus Kitchens

Dr. Marcus Kitchens  
625 Hampton Way, #2  
Richmond, KY 40475  
T: (423) 314-4096  
markzwanz@gmail.com

***Pro Se Plaintiff***

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and accurate copy of the foregoing was filed electronically via the Pacer system and served to the following on April 21, 2023.

Jared D. Bayer  
Cozen O'Connor  
One Liberty Place  
1650 Market Street, Ste. 2800  
Philadelphia, PA 19103  
T: (215) 665-4127  
***Counsel for Defendant***  
***National Board of Medical Examiners***

Caroline M. Mew  
Perkins Coie LLP  
700 Thirteenth Street, N.W., Ste. 800  
Washington, D.C. 20005-3960  
T: (202) 654-6200  
E: [CMew@perkinscoie.com](mailto:CMew@perkinscoie.com)  
***Counsel for Defendant***

/s/ Dr. Marcus Kitchens

Dr. Marcus Kitchens  
***Pro Se Plaintiff***